

REMARKS

In view of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claim 46 was deemed improper as being dependent on cancelled claim 33. Claim 46 is cancelled herein.

Claims 37, 38, 50-52, 56-57 and 118 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 37, 38, 56 and 118 are cancelled herein. Claim 50 has been amended to change the phrase “the allocated collectibles” to “allocated collectibles” thereby providing proper positive antecedent basis. Claims 51 and 52 depend from claim 50. Claim 57 has been amended to change “said second offering” to “a second offering”. It is requested that the rejections of claims 50, 51, 52 and 57 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims 115-136 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 115-130 and 133-136 are cancelled herein. Claim 131 has been amended to recite “at least said steps b) - d) being by a programmed computer.” Since steps b, c and d now are recited to be implemented by a programmed computer, and step d does not represent mere data gathering or mere post solution activity, and is tied to an apparatus, i.e., a computer, claim 131 is statutory under 35 U.S.C. 101. It is requested that the rejection of claim 131 as well as dependent claim 132 under 35 U.S.C. 101 be withdrawn.

Claims 123-130 were rejected under 35 U.S.C. 102(b) as being anticipated by Woolston (US Patent 6,266,651). Claims 123-130 are cancelled herein.

Claims 49 and 54-56 were rejected under 35 U.S.C. 102(b) as being anticipated by Ephrati et al. ("Ephrati") (U.S. Patent 7,558,752). Claims 49 and 54-56 are cancelled herein.

Claims 71, 72, 35-36, 49 and 102-103 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ephrati in view of Woolston. Claims 71, 72, 35-36, 49 and 102-103 are cancelled herein.

Claims 104-107 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ephrati in view of Woolston and further in view of Lennen et al. ("Lennen") (US Patent 5,353,925). Claims 104-107 are cancelled herein.

Claims 115-118 and 133-136 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ephrati in view of Lennen. Claims 115-118 and 133-136 are cancelled herein.

Claims 62-69 were rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston. Claims 62-69 are cancelled herein.

Claims 59-61, 70, 73-101, 110-114, 119-122, 131-132 and 137-141 have been allowed over the prior art.

Claims 34, 41, 43-45, 47-48 and 108-109 were objected to as being dependent upon a rejected base claim, but would be allowable over the prior art if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 34, 41, 44, 47, 48 and 108 have been rewritten in independent form herein including all of the limitations of the base claim and any intervening claims. In addition, claims 50 and 57, which were rejected only under 35 U.S.C. 112, second paragraph, have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is requested that the

objection to claims 34, 41, 43-45, 47-48 and 108-109 and the rejection of claims 50 and 57, and dependent claims 51 and 52, under 35 U.S.C. 112, second paragraph, be withdrawn.

In view of the foregoing, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

By: 
Mark Montague
Reg. No. 36,612

COWAN, LIEBOWITZ & LATMAN, P.C
1133 Avenue of the Americas
New York, New York 10036-6799
(212) 790-9200